

Remarks

Applicant has reviewed the Office Action dated as mailed May 12, 2009 and the documents cited therewith. After the above amendments have been made, the present application contains claims 1, 2, 5 – 16, 20 – 21, and 40 – 56. Claims 1, 16, 40, 47, and 52 have been amended. Claims 3, 4, 17 – 19, and 22 – 39 have been cancelled.

Allowable Subject Matter

Claims 41 – 42, 45, 48 – 49, 53, and 55 were objected to as being dependent upon a rejected base claim but were indicated as being allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant's attorney wishes to thank the Examiner for pointing out that these claims would be allowable if rewritten in independent form. However, Applicant believes that the claims, as amended herein, are patentably distinguishable over the documents of record and respectfully defers rewriting claims 41 – 42, 45, 48 – 49, 53, and 55 until the claim amendments herein have been considered.

Claim Rejections under 35 U.S.C. §103

Claims 1, 5, 10, 16, 40, and 43 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg et al. (U.S. Patent Publication No. 2003/0063072) in view of Erb et al. (U.S. Patent Publication No. 2004/0142703) and in further view of Brown et al. (U.S. Patent Publication No. 2003/0055908). This rejection is respectfully traversed. Claim 1 has been amended to recite:

“determining at least one of whether the interrupting contact has an interrupt priority ranking associated with the interrupting contact in a contacts list of the communications device receiving the interrupt request that is higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation and whether an interrupting conversation has a higher priority compared to a priority of the ongoing instant messaging conversation set by at least one of the at least two contacts participating in the ongoing instant messaging conversation in their communications device...”

The Office Action on page 6 admits that Brandenberg fails to teach these features of the embodiment as recited in amended claim 1. Paragraph [0026] of Erb was cited for teaching the deficiencies of Brandenberg. Applicant respectfully submits that Erb also fails to teach the features of the embodiment of the present invention as recited in amended claim 1. Paragraph [0026] of Erb recites:

“[0026] The present invention relates to a system and method of controlling the delivery of an incoming call directed to a wireless communications device. When an incoming call directed to a wireless communications device is received, the location of the wireless communication device to which an incoming call is destined is determined. If the wireless communication device is not within a designated zone the incoming call is directed to the wireless communication device. If the wireless communication device is in a designated zone, the incoming call is handled based on specified criteria. In this manner, important meetings are not interrupted by incoming calls to wireless communications device unless the incoming calls take priority over the meetings...” *(emphasis added)*

Additionally, Erb in paragraph [0031] recites:

“[0031] The telephone system 20 is also programmed with the direction zones within one or both of the floors. The redirecting zones corresponding with designated areas or zones on the floor such as, for example, meeting and/or conference rooms where it is desired to control delivery of incoming calls to wireless communication devices carried by individuals in the designated areas...”

Accordingly, Erb determines whether to direct incoming calls to a wireless communications device based on a location of the device in a building *(emphasis added)*. For example, if the communications device is in a designated zone or location, a meeting room for instance, the call is redirected so as to not interrupt the meeting unless the call takes priority over the meeting. Neither Erb nor any of the other documents of record teach or suggest determining whether the interrupting contact has an interruptive priority ranking associated with the interrupting contact in a contacts list of the communications device receiving the interrupt request that is higher than, or at least as high as, an interrupt priority ranking of each of the at least two contacts participating in the ongoing instant messaging conversation, as provided by amended claim 1 *(emphasis added)*. Additionally, none of the documents of record teach or suggest determining whether an

interrupting conversation has a higher priority compared to a priority of the ongoing instant messaging conversation set by at least one of the at least two contacts participating in the ongoing instant messaging conversation in their communications device, as provided by the embodiment of the present invention as recited in claim 1 (*emphasis added*). For all of these reasons, Applicant respectfully submits that claim 1, as amended, is patentably distinguishable over Brandenberg, Erb, and Brown, whether considered individually or combined, and reconsideration and withdrawal of the §103 rejection of claim 1 is respectfully requested.

With regard to the rejection of claims 5 and 10 under 35 U.S.C. §103(a) as being obvious over Brandenberg in view of Erb and in further view of Brown, these claims recite additional features which further patentably distinguish over Brandenberg, Erb, and Brown. Additionally, claims 5 and 10 depend directly from independent claim 1, and by virtue of that dependency, include all of the features of independent claim 1. Therefore, claims 5 and 10 are also respectfully submitted to be patentably distinguishable over Brandenberg, Erb, and Brown for the same reasons as discussed with respect to claim 1. Reconsideration and withdrawal of the §103 rejection of claims 5 and 10 is respectfully solicited.

Turning now to the rejection of independent claims 16, 40 and 52 under 35 U.S.C. §103(a) as being obvious over Brandenberg in view of Erb and further in view of Brown, claims 16, 40 and 52 have been amended to recite similar features to independent claim 1. Therefore, claims 16, 40 and 52 are respectfully submitted to be patentably distinguishable over Brandenberg, Erb, and Brown for the same reasons as discussed with respect to claim 1. Reconsideration and withdrawal of the §103 rejection of independent claims 16, 40 and 52 is respectfully requested.

Regarding the rejection of claim 43 under 35 U.S.C. §103(a) as being obvious over Brandenberg in view of Erb and in further view of Brown, claim 43 depends directly from independent claim 40. Because of this dependency, claim 43 includes all of the features of independent claim 40. Therefore, claim 43 is submitted to be patentably distinguishable over Brandenberg, Erb, and Brown for the same reasons as discussed above, and reconsideration and withdrawal of the §103 rejection of claim 43 is respectfully requested.

Claim 2 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further view of Erb, in further view of Brown, and in further view of Kirkland et al. (U.S. Patent Pub. 2005/0149622). This rejection is respectfully traversed. Claim 2 recites:

“selecting a precedence between interrupting the instant messaging conversation based on the interrupt priority ranking of the interrupting contact relative to the interrupt priority ranking of each of the at least two contacts and the interrupt priority ranking of the interrupting conversation relative to the interrupt priority ranking of the instant messaging conversation.”

Applicant respectfully submits that there is no teaching or suggestion in Brandenberg, Erb, Brown, and Kirkland of the features of claim 2. The Office Action on page 12 admits that Brandenberg, Erb and Brown fail to teach the features of claim 2. Paragraph [0052] of Kirkland was cited for this deficiency. Applicant respectfully submits that paragraph [0052] of Kirkland merely teaches delaying the delivery of messages having a priority level below a certain threshold and to maintain a database of delayed messages, or alternately to append the delayed messages to their appropriate queues. Applicant respectfully submits that Kirkland also does not teach or suggest selecting between the two criteria of interrupting an instant messaging conversation as provided by the embodiment of the present invention in claim 2.

Additionally, claim 2 depends directly from independent claim 1. Because of this dependency, claim 2 includes all of the features of independent claim 1. Applicant respectfully submits that Kirkland adds nothing to the teachings of Brandenberg, Erb, and Brown so as to render independent claim 1 unpatentable. Therefore, for all of the reasons discussed, claim 2 is respectfully submitted to be patentably distinguishable over Brandenberg, Erb, Brown, and Kirkland, whether considered individually or combined, and reconsideration and withdrawal of the §103 rejection of claim 2 is respectfully requested.

Claims 6 – 7, 20, 54, and 56 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further in view of Erb, in further view of Brown, and in further view of Brewer (U.S. Patent 5,611,040). This rejection is respectfully traversed. Claims 6 and 7 depend directly from independent claim 1 and claim 20 depends directly from independent claim 16. Claims 54 and 56 depend directly from independent claim 52. Because of these dependencies, claims 6 and

7 include all of the features of independent claim 1, claim 20 includes all of the features of independent claim 16, and claims 54 and 56 include all of the features of independent claim 52. Brewer was cited for disclosing a system and method for activating double-click applications with a single click comprising placing a window in the foreground and taking control of the mouse and keyboard. Applicant respectfully submits that Brewer adds nothing to the teachings of Brandenberg, Erb and Brown so as to render independent claims 1, 16, and 52 unpatentable. Therefore, claims 6, 7, 20, 54, and 56 are respectfully submitted to be patentably distinguishable over these asserted documents, and reconsideration and withdrawal of the 35 U.S.C. §103 rejection of claims 6, 7, 20, 54, and 56 is respectfully solicited.

Claims 8 and 21 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further view of Erb in further view of Brown, and in further view of Asokan (U.S. Patent Pub. 2005/0220079). This rejection is respectfully traversed. Claim 8 recites:

“sending an interrupt notification to any of the at least two contacts of the instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation.”

Claim 21 recites similar features. The Office Action on page 16 admits that Brandenberg, Erb and Brown fail to disclose the features of claims 8 and 21 as recited above. Asokan was cited as teaching the deficiencies of Brandenberg and Erb with reference to paragraph [0038] of Asokan. Applicant respectfully disagrees that Asokan teaches the features of claims 8 and 21 as recited above. Paragraph [0038] of Asokan recites:

“[0038] In some embodiments of the present invention, the packet-switched session may be a push-to-talk session that has been initiated by a user of the GSM/GPRS wireless terminal and that was established by a push-to-talk server. In response to receiving a circuit-switched page, the wireless terminal via, for example, a push-to-talk application that is running on the terminal, notifies the push-to-talk server that the push-to-talk session is to be temporarily suspended. This notification may be forwarded, for example, as either a text message or an e-mail message that is transmitted over SMS data bearer. The message may include, for example, an identifier associated with the cellular telephone (e.g., a push-to-talk client ID), identification of the reason the push-to-talk session is

being suspended, the expected interval of the suspension, etc. If other participants in the push-to-talk session attempt to communicate with the wireless terminal over the push-to-talk session during the period when the wireless terminal has suspended the session, the push-to-talk server may notify those participants that the wireless terminal is temporarily unavailable..."

Accordingly, Asokan teaches sending a message that a push-to-talk session is temporarily suspended or unavailable. Applicant respectfully submits that sending an interrupt notification to any of the at least two contacts of an instant messaging conversation not contacted by the interrupting contact in response to interrupting the instant messaging conversation is patentably distinguishable from the notification that a push-to-talk session is temporarily suspended or unavailable as taught by Asokan. Additionally, claim 8 depends directly from independent claim 1 and claim 21 depends directly from independent claim 16. Applicant respectfully submits that Asokan adds nothing to the teachings of Brandenberg, Erb and Brown so as to render independent claims 1 and 16 unpatentable as previously discussed. For all of these reasons, dependent claims 8 and 21 are respectfully submitted to be patentably distinguishable over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 8 and 21 is respectfully requested.

Claim 9 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in view of Erb, in further view of Brown and in further view of Balasuriya et al. (U.S. Patent Pub. 2005/0245240). This rejection is respectfully traversed. Claim 9 recites "resuming the instant messaging conversation in response to the interrupting conversation being completed." The Office Action on page 18 admits that Brandenberg, Erb and Brown fail to disclose the features of claim 9. Paragraph [0013] of Balasuriya was cited for teaching this deficiency. Paragraph [0013] of Balasuriya recites:

"The disclosure provides an apparatus for and method of storing subsequent streaming media in a memory associated with a wireless communication device in response to receiving a communication request. For example, the disclosure provides for selectively storing at least one media of a multicast or unicast session in a local memory of a wireless communication device when a media streaming session is interrupted by an event, such as an incoming call. A user of the wireless communication device can resume playing the session from the local memory when interruption ends."

Accordingly, Balasuriya teaches recording a streaming multicast or unicast session which can be played to the user after the interrupting event ends. Applicant respectfully submits that resuming an instant messaging conversation in response to the interrupting conversation being completed is patentably distinguishable from recording a streaming multicast or unicast session and then replaying the recorded session as taught by Balasuriya. Additionally, claim 9 depends directly from independent claim 1, and by virtue of that dependency, includes all of the features of independent claim 1. Applicant respectfully submits that Balasuriya adds nothing to the teachings of Brandenberg, Erb and Brown so as to render independent claim 1 unpatentable as previously discussed. For all of these reasons, claim 9 is submitted to be patentably distinguishable over Brandenberg, Erb, Brown, and Balasuriya, and reconsideration and withdrawal of the Section 103 rejection of claim 9 is respectfully solicited.

Claims 11 and 12 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in view of Erb, in further view of Brown and in further view of Horvitz et al. (U.S. Patent Pub. 2005/084082; hereinafter Horvitz I). This rejection is respectfully traversed. Claim 11 depends directly from independent claim 1 and claim 12 depends directly from claim 11. Because of these dependencies, claims 11 and 12 include all of the features of independent claim 1. Applicant respectfully submits that Horvitz I adds nothing to the teachings of Brandenberg, Erb, and Brown so as to render independent claim 1 unpatentable. Therefore, claims 11-12 are also submitted to be patentably distinguishable over Brandenberg, Erb, Brown, and Horvitz I. Reconsideration and withdrawal of the 35 U.S.C. § 103 rejection of claims 11-12 is respectfully requested.

Claims 13 – 14, and 50 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further view of Erb, in further view of Brown, and in further view of Savage et al. (U.S. Patent Pub. 2001/0009014). This rejection is respectfully traversed. Claim 13 recites:

“assigning an interrupt priority ranking to all contacts in an instant messaging contacts list in a user’s communications device.”

And claim 14 recites:

“wherein assigning an interrupt priority ranking comprises one of assigning the interrupt priority ranking by placing all contacts in a predetermined order in the contact list or auxiliary contact list on the user’s communications device and by assigning a contact priority number to each contact in the contact list.”

The Office Action on page 17 admits that Brandenberg and Erb fail to disclose a system or method for managing interruptions to network users where an interrupt ranking is assigned to all users or ranking is performed by a predetermined order. Savage was cited for disclosing facilitating real-time, multi-point communications over the internet wherein a scheduler keeps track of and maintains the priority of each participant in each conference citing paragraph [0102] of Savage. Applicant respectfully submits that neither Savage nor the other documents of record teach or suggest the features of claims 13 and 14 as recited above. Additionally, claim 13 depends directly from independent claim 1 and claim 14 depends from claim 13. Claim 50 depends directly from independent claim 47. As a result of these dependencies, claims 13 and 14 include all of the features of independent claim 1 and claim 50 includes all of the features of independent claim 47. Applicant respectfully submits that Savage adds nothing to the teachings of Brandenberg, Erb and Brown so as to render independent claims 1 and 47 unpatentable. Accordingly, for all of the reasons discussed above, claims 13 – 14 and 50 are submitted to be patentably distinct over the documents of record, and reconsideration and withdrawal of the Section 103 rejection of claims 13 – 14 and 50 is respectfully solicited.

Claim 15 was rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further view of Erb, in further view of Brown, and in further view of Suorsa et al. (U.S. Patent Pub. 2002/015683). Suorsa was cited for disclosing automated provisioning of computing networks using a network database data model wherein Lightweight Directory Access Protocol (LDAP) verifies the access level of an agent. Claim 15 depends directly from independent claim 1, and because of that dependency, includes all of the features of independent claim 1. Suorsa adds nothing to the teachings of Brandenberg, Erb, and Brown or the other documents of record so as to render independent claim 1 unpatentable. Therefore, claim 15 is submitted to be patentably distinct over Brandenberg, Erb, Brown and Suorsa as well as the other documents of

record, and reconsideration and withdrawal of the Section 103 rejection of claim 15 is respectfully requested.

Claims 44, 46 and 51 were rejected under 35 U.S.C. §103(a) as being obvious over Brandenberg in further view of Erb, in further view of Brown and in further view of Horvitz et al. (U.S. Patent Pub. 2005/0132014; hereinafter Horvitz II). This rejection is respectfully traversed. Claims 44 and 46 each depend directly from independent claim 40. Claims 51 depends directly from independent claim 47. As a result of this dependency, claims 44 and 46 include all of the features of claim 40 and claim 51 includes all of the features of claim 47. Applicant respectfully submits that Horvitz II adds nothing to the teachings of Brandenberg, Erb and Brown so as to render independent claims 40 and 47 unpatentable. Accordingly, claims 44, 46, and 51 are submitted to be patentable over the cited documents for the same reasons as discussed with respect to claims 40 and 47. Reconsideration and withdrawal of the Section 103 rejection of claims 44 and 46 is respectfully solicited.

Conclusion

For the foregoing reasons, the Applicant respectfully submits that all of the claims in the present application are in condition for allowance. Reconsideration and withdrawal of the rejections and allowance of the claims at the earliest possible date are respectfully requested.

If the Examiner has any questions about the present Amendment or would like to discuss any of the amendments herein, please contact the undersigned at the telephone number indicated below.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 09-0461.

Respectfully submitted,

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